

EXHIBIT K

Transcribed Trial Testimony of Aaron
Roth that was video recorded and
played for the Jury

AaronRoth

Designation List Report



Roth, Aaron

2023-02-02

[Our Designations](#)

00:23:59

TOTAL RUN TIME

00:23:59



ID: AaronRoth

DESIGNATION	SOURCE	DURATION	ID
4:17 - 4:20	Roth, Aaron 2023-02-02 4:17 WHEREUPON, 4:18 AARON ROTH 4:19 was called as a witness and, after having been first duly 4:20 sworn, was deposed and testified as follows:	00:00:06	AaronRoth.1
6:04 - 14:02	Roth, Aaron 2023-02-02 6:04 Q. What was your job on January 2, 2021? 6:05 A. I was a Milwaukee Police Officer. 6:06 Q. How long had you been a Milwaukee police officer 6:07 at that point? 6:08 A. At that time it was about two and a half going on 6:09 three years. 6:10 Q. So you joined around 2018/2019? 6:11 A. Correct. 6:12 Q. When you first joined the MPD, being the 6:13 Milwaukee Police Department, what sidearm were you issued? 6:14 A. We were issued the Sig Sauer P320. 6:15 Q. So you had a P320 your entire time with the 6:16 Milwaukee PD? 6:17 A. Yes. 6:18 Q. Prior to January 2, 2021, had you ever had any 6:19 issues with your P320? 6:20 A. I had not. 6:21 Q. How would you carry your P320 when you were on 6:22 duty? 6:23 A. In my issued duty belt holster. 6:24 Q. Do you know what type of holster it was, what 6:25 brand? 7:01 A. I don't recall, no. 7:02 Q. Okay. Would you have an optic on your P320? 7:03 A. We did not, no. 7:04 Q. So it was just a plain gun? 7:05 A. Plain gun with iron sights, yes. 7:06 Q. No safety? 7:07 A. No safety. 7:08 Q. When I say "safety," just to clarify, I mean like 7:09 an external safety of some kind to prevent the trigger from 7:10 being pulled. 7:11 A. Correct. 7:12 (Exhibit A was marked for identification.)	00:12:31	AaronRoth.2

DESIGNATION	SOURCE	DURATION	ID
7:13	BY MR. CEISLER:		
7:14	Q. Okay. I'm going to show you a video, so I'm		
7:15	going to pull that up first. And my screen never wants to		
7:16	share when it's a video, but I think I've got it figured		
7:17	out.		
7:18	Can you see this?		
7:19	A. Yes.		
7:20	Q. Do you see in the bottom left it says, "D5		
7:21	Northeast Parking 2:29 p.m., 1/2/21"?		
7:22	A. Yes.		
7:23	Q. I'm going to play the first two minutes of this		
7:24	video. I just want you to watch it, and then I'm going to		
7:25	ask you about specific points in it, okay?		
8:01	A. Okay.		
8:02	Q. For the record, this is the first two minutes of		
8:03	about an 8 minute and 23-second video.		
8:04	A. Okay.		
8:05	Q. Stopping the video at two minutes.		
8:06	Mr. Roth, have you seen this video before?		
8:07	A. I have, yes.		
8:08	Q. What does this video depict generally?		
8:09	A. That we're parking a vehicle. I was in the rear		
8:10	passenger seat. When I exited, my firearm discharged.		
8:11	Q. Does this video fairly and accurately depict that		
8:12	incident as you recall it?		
8:13	A. Yes.		
8:14	Q. Does this video in any way depict something		
8:15	different in your recollection of the events?		
8:16	A. No.		
8:17	Q. Do you have any reason to question the		
8:18	authenticity of this video?		
8:19	A. No.		
8:20	Q. So now I'm going to take it back to --		
8:21	We're going to take it second by second, kind of		
8:22	chunk by chunk.		
8:23	So I'm going to go from 1:06, then I'm going to		
8:24	stop it at 1:15.		
8:25	So from 1:06 to 1:15, what do you see -- what's		
9:01	happening?		
9:02	A. We were returning from doing surveillance.		
9:03	Q. Who is "we"?		

DESIGNATION	SOURCE	DURATION	ID
9:04	A. The driver is Travis Resczynski.		
9:05	Q. Sorry. Can you spell that, please?		
9:06	A. First name T-r-a-v-i-s. Last name		
9:07	R-e-s-c-z-y-n-s-k-i, I believe. That could be off.		
9:08	Steven Suvaka, who is the front passenger,		
9:09	S-t-e-v-e-n S-u-v-a-k-a, and then the driver side passenger		
9:10	-- rear passenger, Zachary Ramion, Z-a-c-h-a-r-y		
9:11	R-a-m-i-o-n, and then myself, again, the rear passenger.		
9:12	We had parked. Officer Suvaka and Ramion exited		
9:13	the vehicle, as they had to use the restroom or some sort or		
9:14	something inside the district station.		
9:15	Q. I'll have to stop you there because I think		
9:16	you're moving past 1:15, if that's okay. So I'm going to		
9:17	take this in chunks.		
9:18	So just to I make sure I have your recollection		
9:19	correct, there are four officers in this vehicle. You're		
9:20	the one in the rear passenger side. And you've just		
9:21	returned from a surveillance.		
9:22	Is that correct?		
9:23	A. Yeah.		
9:24	Q. You're in what looks like a red Nissan; is that		
9:25	correct?		
10:01	A. Yep.		
10:02	Q. Whose red Nissan was that?		
10:03	A. The Police Department's.		
10:04	Q. Is that a vehicle you would often use for		
10:05	surveillance?		
10:06	A. Yes.		
10:07	Q. Okay. So let's take the next 10 to 15 seconds.		
10:08	So I'm going to take it from 1:15 to 1:22.		
10:09	So the officers from, looks like the front		
10:10	drivers' side, so the driver's seat, and the front passenger		
10:11	seat have gotten out of the car.		
10:12	Does that sound like an accurate depiction of		
10:13	what's happening?		
10:14	A. So it's actually the rear driver seat that exited		
10:15	on the left side of the vehicle in this frame.		
10:16	Q. Got it.		
10:17	A. The right side was the front passenger.		
10:18	Q. There you go, okay.		
10:19	So from 1:22 for about the next 10 seconds, I'll		

DESIGNATION	SOURCE	DURATION	ID
10:20	show you this, and then tell me what's happening.		
10:21	Okay. So what happened in those 10 seconds?		
10:22	A. The --		
10:23	I opened my door, and I was beginning to exit		
10:24	with the video camera in one hand or my bag in one hand, and		
10:25	then I believe I had any cellphone or some other object in		
11:01	my other hand. The driver of the vehicle also begins to		
11:02	exit the vehicle.		
11:03	When I go to stand up out of the vehicle, the		
11:04	firearm in my holster discharges and flips out of my		
11:05	holster. When I stand all the way up, it flips onto the		
11:06	ground.		
11:07	Q. Were your hands on the holster at the time the		
11:08	gun discharged?		
11:09	A. No.		
11:10	Q. There were objects in both of your hands?		
11:11	A. Correct.		
11:12	Q. How sure are you that your hands were not on the		
11:13	gun at the time it discharged?		
11:14	A. 100 percent.		
11:15	Q. Did you touch the trigger at the time the gun		
11:16	discharged?		
11:17	A. No.		
11:18	Q. All right. Now we're going to rewind it a little		
11:19	bit.		
11:20	So can you see the seconds at the bottom here?		
11:21	A. Yeah.		
11:22	Q. Can you see the counter?		
11:23	Keep an eye on that, and see if you can point to		
11:24	me what you believe is the moment of discharge.		
11:25	Or actually, you know what, you just tell me when		
12:01	to stop, and I'll stop it. Let's do that.		
12:02	A. Okay, now.		
12:03	Q. Okay. So approximately between 1:24 and 1:25 on		
12:04	Exhibit A is the moment of discharge.		
12:05	Where were you relative to the car at the time of		
12:06	discharge?		
12:07	Were you --		
12:08	Were both feet out?		
12:09	Was one foot out.		
12:10	Tell me what your body position was.		

DESIGNATION	SOURCE	DURATION	ID
12:11	A. I know that I was leaning out of it.		
12:12	I don't know if both my feet exited the vehicle		
12:13	at that time. I know that I was attempting to stand up		
12:14	after getting out of the car.		
12:15	I was bent over, as it shows in this frame,		
12:16	because the round discharged back into the seat right that I		
12:17	was sitting in.		
12:18	Q. Do you recall, in this sequence of events, when		
12:19	you took your seatbelt off?		
12:20	A. I do not believe I had my seatbelt on at all		
12:21	during transportation.		
12:22	Q. Would you ordinarily not wear your seatbelt		
12:23	during transportation?		
12:24	A. In this circumstance I did not, no.		
12:25	Q. Okay. So you would have had --		
13:01	The seatbelt would have been over your left		
13:02	shoulder; is that correct?		
13:03	A. It would have been over my right shoulder.		
13:04	Q. Oh, right shoulder, okay.		
13:05	So seatbelt's over your right shoulder.		
13:06	What hip is the holster on?		
13:07	A. On my right side.		
13:08	Q. Okay. As you were stepping out of the car, did		
13:09	the seatbelt get caught in your holster?		
13:10	A. No.		
13:11	Q. How sure are you of that?		
13:12	A. 100 percent.		
13:13	Q. How are you sure of that?		
13:14	A. Because I did not wear my seatbelt, so the		
13:15	seatbelt was not attached to my body in any way.		
13:16	Q. Okay. The seatbelt was over your right shoulder?		
13:17	A. Yes, but I was not using the seatbelt.		
13:18	Q. Watching the video now, do you see your seatbelt		
13:19	at all?		
13:20	A. I do not.		
13:21	Q. Looking back on it today, do you have any idea		
13:22	what caused your gun to go off?		
13:23	A. I do not.		
13:24	Q. Have you carried a P320 since this incident?		
13:25	A. I carried one after the incident, but now I left		
14:01	the State of Milwaukee Police Department, so I do not carry		

DESIGNATION	SOURCE	DURATION	ID
	14:02 one now.		
16:25 - 20:04	Roth, Aaron 2023-02-02	00:04:18	AaronRoth.3
	16:25 Q. Okay. Did the holster have any sort of		
	17:01 retention?		
	17:02 A. It's based on the screw retention.		
	17:03 Q. Well, I guess what I mean by that, did it click		
	17:04 like when you go into --		
	17:05 Did it like click and lock, or was there a hood		
	17:06 you put over it or anything like that?		
	17:07 A. No.		
	17:08 Q. Okay. So you just --		
	17:09 There's no like button or anything like that,		
	17:10 that you pressed to let it out?		
	17:11 A. There's no button release, no.		
	17:12 Q. Did the spent shell casing eject?		
	17:13 A. The spent shell casing was still in the firearm.		
	17:14 Q. Okay. Was the trigger covered by the holster?		
	17:15 A. Yes.		
	17:16 Q. Fully?		
	17:17 A. Yes.		
	17:18 Q. Was there any way for your finger to get into the		
	17:19 trigger well?		
	17:20 A. If you manipulated it enough. It would take		
	17:21 quite some effort to get your finger into the trigger guard.		
	17:22 Q. Did the City of Milwaukee ever come to a		
	17:23 conclusion about what caused the gun to go off?		
	17:24 A. They said that it was based on my clothing that I		
	17:25 wore that day, that my clothing pulled the trigger.		
	18:01 Q. Do you think that's possible?		
	18:02 A. No.		
	18:03 Q. Why is that?		
	18:04 A. Based on how the holster covers the trigger well		
	18:05 itself. I had tucked-in T-shirts, so they were not outside		
	18:06 of my waistband, and that's the holster I used was outside		
	18:07 the waistband.		
	18:08 I had a sweatshirt on that fits above the holster		
	18:09 or next to the holster and never entered the holster, and		
	18:10 that's the only piece of clothing that would have been able		
	18:11 to manipulate the trigger.		
	18:12 Q. Was there an investigation into this incident?		

DESIGNATION	SOURCE	DURATION	ID
18:13	A. There was.		
18:14	I don't know what came of it, other than they,		
18:15	just word of mouth, that I was blamed for the incident.		
18:16	Q. Were you disciplined?		
18:17	A. I was not disciplined.		
18:18	Q. When you say you were "blamed for the incident,"		
18:19	it was blaming your clothing?		
18:20	A. Yes.		
18:21	Q. Did you ever see any sort of report that said		
18:22	that, or is that just your understanding based on what		
18:23	you've been told?		
18:24	A. It's my understanding based on what I've been		
18:25	told.		
19:01	There was no official document that I ever		
19:02	received or was told about.		
19:03	Q. So I'm kind of skipping through 2 minutes		
19:04	through, let's say, 4 minutes.		
19:05	So I don't know if you can kind of see the		
19:06	fast-forward there, but it looks like you're standing		
19:07	outside of the vehicle.		
19:08	What are you doing in this time frame?		
19:09	A. I'm kind of --		
19:10	I can feel the heat, so I was kind of checking my		
19:11	pants. I had a small burn mark, a very, very faint burn		
19:12	mark from the firearm discharging next to my leg.		
19:13	Now I'm just kind of looking around for the		
19:14	casing because I had not manipulated the firearm to check		
19:15	for the casing. So I'm looking around trying to see if I		
19:16	can find it, and I was unsuccessful.		
19:17	Q. Have you heard the term "stovepipe"?		
19:18	A. Yes.		
19:19	Q. Is that what happened here?		
19:20	A. So the casing was set in the firearm as it would		
19:21	normally when it would fire. So the casing enters into --		
19:22	or excuse me.		
19:23	The round was already in the chamber, and it		
19:24	fired, but it just did not toss the casing out. There was		
19:25	no other casing that entered.		
20:01	So it was still in the chamber as it normally		
20:02	would sit.		
20:03	Q. The shell casing?		

DESIGNATION	SOURCE	DURATION	ID
23:07 - 24:06	<p>20:04 A. Right.</p> <p>Roth, Aaron 2023-02-02</p> <p>23:07 Q. Okay. Do you remember if there was any damage to</p> <p>23:08 the holster?</p> <p>23:09 A. No damage to the holster because I had an open</p> <p>23:10 bottom.</p> <p>23:11 Q. So it just shot right through the bottom?</p> <p>23:12 A. Correct, there wasn't --</p> <p>23:13 It was already an exposed bottom.</p> <p>23:14 Q. Did you continue using this holster after the</p> <p>23:15 incident?</p> <p>23:16 A. I did not. They took my holster as well.</p> <p>23:17 Q. Okay. Do you know if there was an inspection</p> <p>23:18 performed of the holster?</p> <p>23:19 A. They said that they did do an inspection for</p> <p>23:20 gunpowder residue and things like that. It sounds like they</p> <p>23:21 did not locate any.</p> <p>23:22 Q. Okay. When you say, "It sounds like they did not</p> <p>23:23 locate any," what are you basing that off of?</p> <p>23:24 A. They told me that I falsified evidence and gave</p> <p>23:25 them a different holster.</p> <p>24:01 Q. Okay. So you were told you falsified evidence?</p> <p>24:02 A. Yes.</p> <p>24:03 Q. Did you falsify evidence?</p> <p>24:04 A. I did not.</p> <p>24:05 Q. Would you falsify evidence?</p> <p>24:06 A. No.</p>	00:01:01	AaronRoth.4
25:10 - 26:14	<p>Roth, Aaron 2023-02-02</p> <p>25:10 You testified today that you were not wearing</p> <p>25:11 your seatbelt at all when you were returning to the station</p> <p>25:12 that day just prior to the incident; is that right?</p> <p>25:13 A. Correct.</p> <p>25:14 Q. Okay. And you mentioned you recall giving</p> <p>25:15 testimony in another matter.</p> <p>25:16 Have you ever seen that transcript of testimony?</p> <p>25:17 A. I have not.</p> <p>25:18 Q. Okay. But you recall giving that testimony;</p> <p>25:19 correct?</p> <p>25:20 A. Yes.</p> <p>25:21 Q. Do you recall when you provided that testimony?</p>	00:01:38	AaronRoth.5

DESIGNATION	SOURCE	DURATION	ID
	<p>25:22 A. I do not. It was some time ago.</p> <p>25:23 Q. Okay. If I told you it was in September of 2021,</p> <p>25:24 would that sound accurate?</p> <p>25:25 A. Yeah, it was quite some time ago, but could fit</p> <p>26:01 that time frame.</p> <p>26:02 Q. Sure.</p> <p>26:03 Do you believe that your testimony or</p> <p>26:04 recollection of events in September of 2021 would be more</p> <p>26:05 accurate than your recollection today as we sit here now?</p> <p>26:06 A. I don't think it would be --</p> <p>26:07 I remember the incident today like I did in</p> <p>26:08 September, so I guess no in that case.</p> <p>26:09 Q. Okay. Back in September you testified -- of 2021</p> <p>26:10 you testified that you were wearing your seatbelt that day</p> <p>26:11 and that you had unbuckled just prior to the car turning off</p> <p>26:12 in the parking lot.</p> <p>26:13 Do you recall that?</p> <p>26:14 A. I do not recall that.</p>		
27:09 - 29:13	Roth, Aaron 2023-02-02	00:03:22	AaronRoth.6
	<p>27:09 Q. All right. So I'm going to take you to pages 10</p> <p>27:10 to 11 of the transcript.</p> <p>27:11 So right here on line 20 you can see you were</p> <p>27:12 asked, "Were you buckled? Did you have your seatbelt</p> <p>27:13 buckled at the time that you were in the vehicle?"</p> <p>27:14 And you answered, "I took the seatbelt off right</p> <p>27:15 before I was -- as I was going to get out."</p> <p>27:16 "Question: When did you unbuckle your seatbelt</p> <p>27:17 specifically?"</p> <p>27:18 "Answer: Before the car was parked."</p> <p>27:19 Do you see that?</p> <p>27:20 A. Yes.</p> <p>27:21 Q. Do you have any reason to believe that the</p> <p>27:22 testimony you gave that day was not accurate?</p> <p>27:23 A. Other than I didn't wear my seatbelt --</p> <p>27:24 I don't know why I would have said that.</p> <p>27:25 -- but no.</p> <p>28:01 Q. And it went on to say, "Question: Did you gather</p> <p>28:02 your belongings before or after you unbuckled your</p> <p>28:03 seatbelt?"</p> <p>28:04 And you answered, "After."</p>		

DESIGNATION	SOURCE	DURATION	ID
	28:05 And then you were asked, "So if I'm understanding		
	28:06 correctly, before the car was parked, you unbuckled your		
	28:07 seatbelt, and then you began to gather the belongings that		
	28:08 you had in the car with you?"		
	28:09 And you answered, "Correct."		
	28:10 Do you believe all that testimony that you		
	28:11 provided in September of 2021 was inaccurate?		
	28:12 A. Yeah, only in the sense of I don't know why I		
	28:13 said I wore my seatbelt. I only would wear my seatbelt when		
	28:14 I'm actively getting into a pursuit so I have access to my		
	28:15 firearm.		
	28:16 Q. Is it possible that you -- your memory has		
	28:17 changed since you provided this testimony in September of		
	28:18 2021 as to whether you were wearing your seatbelt that day		
	28:19 or not?		
	28:20 A. It is possible.		
	28:21 Q. All right. I believe you also testified that you		
	28:22 did not have any attachments on your pistol.		
	28:23 Do you recall whether you had a light on your		
	28:24 pistol?		
	28:25 A. Yes, I did have a light on my pistol.		
	29:01 Q. Okay. And the holster that you were using, was		
	29:02 that a light-bearing holster?		
	29:03 A. Yes.		
	29:04 Q. And do you recall --		
	29:05 Let me stop the share here.		
	29:06 Do you recall seeing warnings from the holster		
	29:07 manufacturer about items being able to get into that		
	29:08 weight-bearing holster?		
	29:09 A. I do not recall.		
	29:10 Q. If you testified that you had seen those warnings		
	29:11 back when you were deposed in September 2021, would you		
	have		
	29:12 any reason to dispute that?		
	29:13 A. No.		
43:05 - 43:11	Roth, Aaron 2023-02-02	00:00:17	AaronRoth.7
	43:05 Oh, I think you stated that you own a P365;		
	43:06 right?		
	43:07 A. Correct. Yes.		
	43:08 Q. Okay. Does that P365, is that a personal weapon?		

DESIGNATION	SOURCE	DURATION	ID
	43:09 A. Yeah.		
	43:10 Q. Does it have a manual safety?		
	43:11 A. It does not.		
44:01 - 44:15	Roth, Aaron 2023-02-02	00:00:45	AaronRoth.8
	44:01 Q. All right. If you were aware that the P365 was		
	44:02 available with a manual safety, would you have purchased one		
	44:03 with a manual safety, or would you still have purchased one		
	44:04 without?		
	44:05 A. I would have purchased one without.		
	44:06 Q. And why is that?		
	44:07 A. I guess at this point in my career it's what I'm		
	44:08 used to. It's what I'm comfortable with.		
	44:09 Q. Is that a personal preference?		
	44:10 A. Yeah.		
	44:11 Q. How long have you been a police officer?		
	44:12 A. At this moment, four and a half years, just over.		
	44:13 Q. Have you ever carried a pistol for a police		
	44:14 department that had a manual safety?		
	44:15 A. No.		

Our Designations

00:23:59

TOTAL RUN TIME

00:23:59